

AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 296**

**Introduced by Assembly Member Mullin**

February 6, 2003

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An act to ~~amend Section 100620 of~~ *add Section 17215.3* to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 296, as amended, Mullin. ~~Sound~~ *Portable classrooms: sound insulation.*

*Existing law establishes various site selection, seismic safety, and fitness-for-occupancy requirements applicable to school facilities.*

*This bill would, commencing January 1, 2005, prohibit any new portable classroom, as defined, from being placed in a new or an existing schoolsite, unless it has a prescribed interior noise level.*

~~Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law, the Kindergarten-University Public Education Facilities Bond Act of 2002 (The Bond Act of 2002), approved by the voters at the November 5, 2002, statewide general election, authorizes allocation of prescribed proceeds from the sale of bonds for the purposes of the Greene Act of 1998.~~

~~Existing law sets forth those improvements that may be funded pursuant to a modernization project under the Greene Act of 1998,~~

~~including, but not limited to, the purchase and installation of air conditioning equipment and insulating materials.~~

~~This bill would clarify that the Bond Act of 2002, to authorize the purchase and installation of noise abatement and sound insulation materials as an improvement under a modernization project.~~

Vote: majority. Appropriation: no. Fiscal committee: yes *no*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. Section 100620 of the Education Code is~~

~~SECTION 1. Section 17215.3 is added to the Education Code, to read:~~

~~17215.3. (a) It is a goal of the Legislature to ensure that pupils are able to learn in an environment that has adequate acoustic insulation by equipping all portable classrooms with proper sound abatement materials.~~

~~(b) The legislature finds and declares there are between 85,000 and 110,000 portable classrooms in the State of California. The Legislature finds and declares that incompatible land uses within a noise impact area include public schools of standard construction for which an aviation easement for noise has not been acquired by the airport proprietor, or that do not have adequate acoustic performance to ensure an interior CNEL of 45 db or less in all classrooms due to aircraft noise.~~

~~(c) "Portable Classroom" means a temporary structure not constructed with a permanent foundation containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction of pupils by a teacher in a school.~~

~~(d) Commencing on or after January 1, 2005, no new portable classroom may be placed in an existing or new schoolsite, unless it has an interior noise level of 45 db or less.~~

~~amended to read:~~

~~100620. (a) The proceeds from the sale of bonds, issued and sold for the purposes of this chapter, shall be allocated in accordance with the following schedule:~~

~~(1) The amount of three billion four hundred fifty million dollars (\$3,450,000,000) for new construction of school facilities of applicant school districts under Chapter 12.5 (commencing with Section 17070.10) of Part 10 for those school districts that file~~

1 an application with the Office of Public School Construction after  
2 February 1, 2002, including, but not limited to, hardship  
3 applications.

4 (A) Of the amount allocated pursuant to this paragraph, up to  
5 one hundred million dollars (\$100,000,000) shall be available for  
6 providing school facilities to charter schools pursuant to a statute  
7 enacted after the effective date of the act enacting this section.

8 (B) If the Housing and Emergency Shelter Trust Fund Act of  
9 2002 is submitted to the voters at the November 5, 2002, general  
10 election and fails passage by the voters, of the amount allocated  
11 pursuant to this paragraph, twenty-five million dollars  
12 (\$25,000,000) shall be available for the purposes of Sections  
13 51451.5, 51453, and 51455 of the Health and Safety Code.

14 (2) The amount of one billion four hundred million dollars  
15 (\$1,400,000,000) for the modernization of school facilities  
16 pursuant to Chapter 12.5 (commencing with Section 17070.10) of  
17 Part 10 for those school districts that file an application with the  
18 Office of Public School Construction after February 1, 2002,  
19 including, but not limited to, hardship applications.

20 (3) The amount of two billion nine hundred million dollars  
21 (\$2,900,000,000) for new construction of school facilities  
22 pursuant to Chapter 12.5 (commencing with Section 17070.10) of  
23 Part 10 for those school districts that have filed an application with  
24 the Office of Public School Construction on or before February 1,  
25 2002, including, but not limited to, hardship applications. If the  
26 amount made available for purposes of this paragraph is not  
27 needed and expended for the purposes of this paragraph, the State  
28 Allocation Board may allocate the remainder of these funds for  
29 purposes of paragraph (1).

30 (4) The amount of one billion nine hundred million dollars  
31 (\$1,900,000,000) for the modernization of school facilities  
32 pursuant to Chapter 12.5 (commencing with Section 17070.10) of  
33 Part 10, for those school districts that have filed an application  
34 with the Office of Public School Construction on or before  
35 February 1, 2002, including, but not limited to, hardship  
36 applications. If the amount made available for purposes of this  
37 paragraph is not needed and expended for the purposes of this  
38 paragraph, the State Allocation Board may allocate these funds for  
39 purposes of paragraph (2).

~~(5) The amount of one billion seven hundred million dollars (\$1,700,000,000) for deposit into the 2002 Critically Overcrowded School Facilities Account established within the 2002 State School Facilities Fund pursuant to subdivision (e) of Section 17078.10, for the purposes set forth in Article 11 (commencing with Section 17078.10) of Chapter 12.5 of Part 10 relating to critically overcrowded schools, including, but not limited to, hardship applications, and any other new construction or modernization projects as authorized pursuant to Section 17078.30.~~

~~(6) The amount of fifty million dollars (\$50,000,000) for the purposes set forth in Article 10.6 (commencing with Section 17077.40) of Chapter 12.5 of Part 10 relating to joint-use projects, including, but not limited to, hardship applications.~~

~~(b) School districts may use funds allocated pursuant to paragraphs (2) and (4) of subdivision (a) only for one or more of the following purposes in accordance with Chapter 12.5 (commencing with Section 17070.10) of Part 10:~~

~~(1) The purchase and installation of air-conditioning equipment and insulation materials, and related costs.~~

~~(2) Construction projects or the purchase of furniture or equipment designed to increase school security or playground safety.~~

~~(3) The identification, assessment, or abatement in school facilities of hazardous asbestos.~~

~~(4) Project funding for high priority roof replacement projects.~~

~~(5) Any other modernization of facilities pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10, including, but not limited to, the installation of noise abatement and sound insulation materials.~~

~~(c) Funds allocated pursuant to paragraphs (1) and (3) of subdivision (a) may, also, be utilized to provide new construction grants for eligible applicant county boards of education under Chapter 12.5 (commencing with Section 17070.10) of Part 10 for funding classrooms for severely handicapped pupils, or for funding classrooms for county community school pupils.~~

~~(d) (1) The Legislature may amend this section to adjust the funding amounts specified in paragraphs (1) to (6), inclusive, of subdivision (a), only by either of the following methods:~~

1 ~~(A) By a statute, passed in each house of the Legislature by~~  
2 ~~rolleall vote entered in the respective journals, by not less than~~  
3 ~~two-thirds of the membership in each house concurring, if the~~  
4 ~~statute is consistent with, and furthers the purposes of, this chapter.~~

5 ~~(B) By a statute that becomes effective only when approved by~~  
6 ~~the voters.~~

7 ~~(2) Amendments pursuant to this subdivision may adjust the~~  
8 ~~amounts to be expended pursuant to paragraphs (1) to (6),~~  
9 ~~inclusive, of subdivision (a), but may not increase or decrease the~~  
10 ~~total amount to be expended pursuant to that subdivision.~~

11 ~~(c) From the total amounts set forth in paragraphs (1) to (6),~~  
12 ~~inclusive, of subdivision (a), a total of no more than twenty million~~  
13 ~~dollars (\$20,000,000) shall be used for the costs of energy~~  
14 ~~conservation adjustments authorized pursuant to Section~~  
15 ~~17077.35.~~

16 ~~(f) Funds available pursuant to this section may be used for~~  
17 ~~acquisition of school facilities authorized pursuant to Section~~  
18 ~~17280.5.~~

